



Senate

General Assembly

January Session, 2009

File No. 354

Senate Bill No. 982

Senate, March 31, 2009

The Committee on Public Health reported through SEN. HARRIS of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ASSISTED LIVING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) No entity shall use the
2 term "assisted living" in its name, title, advertising or other
3 communication with the public unless such entity: (1) Owns, operates
4 or manages a managed residential community pursuant to chapter
5 368bb of the general statutes where assisted living services are
6 provided to residents by an assisted living services agency licensed
7 pursuant to chapter 368v of the general statutes and in accordance
8 with regulations adopted by the Commissioner of Public Health; or (2)
9 owns, operates or manages an assisted living services agency licensed
10 pursuant to said chapter 368v.

11 (b) A violation of this section shall be deemed an unfair trade
12 practice under subsection (a) of section 42-110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	New section
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PH *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Consumer Protection, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The Department of Consumer Protection can accommodate any changes contained within the bill with existing resources.

OLR Bill Analysis**SB 982*****AN ACT CONCERNING ASSISTED LIVING.*****SUMMARY:**

This bill prohibits any entity from using the term “assisted living” in its name, title, advertising, or other public messages unless it owns, operates, or manages a (1) licensed assisted living services agency (ALSA) or (2) managed residential care community in which an ALSA provides services. The Public Health Department licenses ALSAs and regulates managed residential care communities. By law, these communities must give their residents access to an ALSA’s services and must afford them specified rights.

An entity that uses the term in violation of the bill’s prohibition commits an unfair trade practice.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Connecticut Unfair Trade Practices Act***

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the Department of Consumer Protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. The act also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 29 Nay 0 (03/13/2009)